
BEFORE THE DISCIPLINARY BOARD
OF THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY :
COUNSEL :
 :
vs. :
 :
JOHN KELVIN CONNER : NO. 29-DB-2018

THURSDAY, JUNE 21, 2018

Disciplinary Hearing in the
above-captioned matter was held at Offices of
Disciplinary Counsel, 820 Adams Avenue, Suite 170,
Trooper, Pennsylvania at 9:45 a.m., on the above
date, before Sheila Klos, Registered Court
Reporter and Notary Public in the Commonwealth of
Pennsylvania.

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MR. KRAWITZ: I'm going to call the hearing to order. My name is Jeff Krawitz. I'm from Stark and Stark and I am the Chair of this Hearing Panel. I'll allow my other, the other panel members to introduce themselves at this time.

MS. McBRIDE: Maureen McBride.

MR. SAILLE: Michael Saille of Cordisco and Saille in Trevese, Pennsylvania.

MR. KRAWITZ: Can I have the appearances of counsel?

MR. WHITE: Daniel White on behalf of the Office of Disciplinary Counsel.

Mr. CONNER: John Kelvin Conner, Respondent.

MR. KRAWITZ: Thank you.

I am obligated to read a statement into the record for disciplinary hearings. I'm going to read that statement now and we'll move on.

Pursuant to Section 89.151 of the Disciplinary Board rules, the Respondent hereby notified that after this Hearing

1 Committee makes its finding on the issue of
2 alleged misconduct, the participants are then
3 entitled to offer any evidence which is
4 relevant and material on the issue of the type
5 of discipline to be imposed.

6 The Respondent is further advised that
7 any finding of this committee as to the
8 alleged misconduct and/or the type of
9 discipline to be imposed is only a
10 recommendation to the Disciplinary Board. The
11 Board has the power to accept or reject the
12 findings and the recommendation of the Hearing
13 Committee.

14 If the Board rejects the findings and the
15 recommendation of the Hearing Committee, the
16 Board in turn, has that power to either
17 increase or decrease the recommended
18 discipline of the Hearing Committee if they
19 find professional misconduct.

20 In the event the Board finds public
21 discipline to be appropriate, the Board's
22 decision relevant to the alleged misconduct
23 and/or the type of discipline to be imposed is
24 not considered a final order, but only a

1 recommendation which is submitted to the
2 Supreme Court of Pennsylvania for the court's
3 deliberation.

4 The Supreme Court of Pennsylvania, in
5 turn, will consider the matter de novo and
6 will issue a final order either accepting the
7 recommendations of the Board, dismissing the
8 petition for discipline or increasing or
9 decreasing the type of discipline recommended
10 by the Board.

11 In the event the Disciplinary Board
12 concludes that a matter should be resolved by
13 private discipline, the participants have
14 limited rights to request review of the
15 Board's findings by the Supreme Court of
16 Pennsylvania pursuant to the Pennsylvania
17 Rules of Disciplinary Enforcement. Again,
18 once the matter reaches the Supreme Court, the
19 Courts have that power to increase or decrease
20 the discipline recommended by the Board.

21 Usually at this time, I would ask for
22 opening statements, but I understand that the
23 IDC may have additional stipulations to
24 present.

1 MR. WHITE: Yes.

2 Mr. Conner and I entered into a second
3 stipulation this morning. I have previously
4 marked this document as ODC Exhibit 2. With
5 the Panel's permission, I'd like to provide a
6 copy of that to members of the panel.

7 MR. KRAWITZ: Sure.

8 What I think would be most prudent at
9 this point is if we could take just a
10 few-minute recess given this additional
11 stipulation of the parties so that the panel
12 can consider these stipulations and have them
13 in mind as we proceed on with the hearing.

14 Is that okay with the parties?

15 MR. WHITE: Yes, sir.

16 MR. CONNER: It's fine.

17 MR. KRAWITZ: Thank you.

18 (Whereupon, a break was taken off the
19 record.)

20 MR. KRAWITZ: Thank you.

21 We are back on the record. And we have
22 had an opportunity to review the additional
23 stipulations and we appreciate it.

24 At this time, counsel for IDC, would you

1 like to make an opening statement?

2 MR. WHITE: Yes.

3 MR. CONNER: Beforehand, I would just
4 like to make a motion of sequestration of -- I
5 did get a list of witness. Just to be
6 cautious, I'd ask for sequestration of the
7 Disciplinary Counsel's witnesses.

8 MR. WHITE: No objection. None of my
9 witnesses are in the hearing room at this
10 time.

11 MR. KRAWITZ: Okay, very well. You may
12 proceed.

13 MR. WHITE: Did Sarah Fauntleroy
14 authorize John Conner to spend tens of
15 thousands of dollars of her funds at Parx
16 Casino, the Borgata, the Tropicana and
17 Sugarhouse casinos? That's the narrow factual
18 issue that the Panel is here this morning to
19 determine.

20 Why do I say that? In April of this
21 year, Mr. Conner and I entered into an
22 extensive stipulation regarding the facts of
23 this case. I have previously distributed this
24 stipulation to the Panel, but I would like to

1 highlight some of the uncontested facts this
2 morning.

3 First, on July 29th, 2016, Ms. Fauntleroy
4 executed a General Durable Power of Attorney
5 in Mr. Conner's favor.

6 Second, in connection with this Power of
7 Attorney, Mr. Conner signed an acknowledgment
8 executed by an agent in which he acknowledged
9 that absent some contrary provisions, the
10 Power of Attorney or an applicable
11 Pennsylvania statute when acting as Ms.
12 Fauntleroy's agent, he would exercise his
13 powers for Ms. Fauntleroy's benefit.

14 Third, beginning on August 24th, 2016,
15 less than one month after Ms. Fauntleroy
16 signed the Power of Attorney and continuing
17 for the next eight to nine months, Mr. Conner
18 executed more than 100 point of sale
19 transactions against Ms. Fauntleroy's Wells
20 Fargo account at various casinos. The total
21 amount of these transactions is \$78,439.10.

22 And fourth, none of these transactions
23 were for Ms. Fauntleroy's benefit.

24 Additionally, Mr. Conner and I entered

1 into a second stipulation this morning in
2 which Mr. Conner admits to executing 79 ATM
3 withdrawals against Ms. Fauntleroy's Wells
4 Fargo account in the total amount of
5 \$21,318.24.

6 You will hear Ms. Fauntleroy testify this
7 morning that she never authorized Mr. Conner
8 to use his funds at a casino. Mr. Conner
9 never asked for her permission to use her
10 funds at a casino and had he done so, she
11 would not have granted him such permission.

12 In answer to the Petition for Discipline,
13 Mr. Conner says that Ms. Fauntleroy was aware
14 of and authorized the more than 100 sales
15 transactions that he executed against her
16 Wells Fargo account at various casinos.

17 In support of this assertion, Mr. Conner
18 will offer only his own self-serving
19 testimony. To be clear, Mr. Conner will offer
20 no documentary evidence in support of his
21 assertion that Ms. Fauntleroy authored him to
22 use her personal funds at a casino.

23 Now, the Petition for Discipline in this
24 matter charged two violations of the rules of

1 professional conduct, 8.4B and 8.4C. Rule
2 8.4B provides that it is professional
3 misconduct for a lawyer to commit a criminal
4 act that reflects adversely on the lawyer's
5 honesty, trustworthiness or fitness as a
6 lawyer on other respects.

7 The criminal act in this case is theft by
8 failure to make required disposition of funds
9 received. I included the statutory language
10 in the Petition for Discipline and I will
11 include it again in my brief. I'd like to
12 provide it to the Panel this morning as well.

13 A person who obtains property upon
14 agreement subject to a known legal obligation
15 to make specified payments or other
16 disposition whether from such property or its
17 proceeds or from his own property to be
18 reserved in an equivalent amount, is guilty of
19 theft if he intentionally deals with the
20 property obtained as his own and fails to make
21 the required payments or disposition.

22 By virtue of the Power of Attorney, Mr.
23 Conner had access of the funds of Mr.
24 Fauntleroy's Wells Fargo account. He

1 intentionally dealt with these funds as his
2 own and converted them for his own purposes at
3 various casinos.

4 There may be no crime that reflects more
5 adversely on a lawyer's honesty,
6 trustworthiness or fitness as a lawyer than
7 the theft of fiduciary funds.

8 Rule 8.4C provides that it is
9 professional misconduct for a lawyer to engage
10 in conduct involving dishonesty, fraud, deceit
11 or misrepresentation. The theft of fiduciary
12 funds epitomizes dishonesty, fraud and deceit.

13 As I mentioned, the Petition for
14 Discipline in the matter charged two
15 violations of the Rule of Professional Conduct
16 8.4. And I believe Comment 4 to this rule is
17 particularly applicable to this case. Lawyers
18 holding public office assume legal
19 responsibility going beyond those of other
20 citizens. A lawyer's abuse of public office
21 can suggest an inability to fulfill the
22 professional role of lawyers.

23 The same is true of abuse of positions of
24 private trust such as trustee, executor,

1 administrator, guardian, agent and officer,
2 director or manager of a corporation or other
3 organization.

4 Sanctions in this case must be severe.
5 An individual who is willing to abuse a
6 position of private trust in order to steal
7 tens of thousands of dollars from a vulnerable
8 unsuspecting woman is unfit to practice law.
9 Thank you.

10 MR. KRAWITZ: Thank you.

11 Mr. Conner, would you like to make an
12 opening now or reserve?

13 MR. CONNER: I'll make my opening now.
14 Thank you.

15 MR. KRAWITZ: Thank you. You may
16 proceed.

17 MR. CONNER: Good morning. I have been
18 brought before this panel and accused of lying
19 and stealing. The petition which has been
20 filed by Disciplinary Counsel basically
21 alleges that I committed a criminal act
22 violation of 18 PACS Section 3927A which
23 Disciplinary Counsel has read.

24 I submit to this panel that I have not

1 lied nor have I stolen any money from anyone.
2 I have never stolen in my life and I am here
3 to aggressively defend myself.

4 In response to these allegations, I would
5 like the Panel to know right off the bat, and
6 evidence will come forward through my
7 testimony or through my cross-examination of
8 their testimony, that I, in fact, paid Ms.
9 Fauntleroy \$8706.97 more than what she was
10 entitled to receive.

11 This mistake was based on the fact that
12 once my Power of Attorney was revoked, neither
13 Ms. Fauntleroy nor any of her caretakers or
14 assistants were providing me with any banking
15 documentation to come up with the exact
16 figure. And, therefore, I returned a check to
17 her, once she revoked my Power of Attorney, in
18 the amount of \$67,708.15. I did that based on
19 the information that I had at the time.

20 Once I was able to receive all of the
21 banking documentations from Disciplinary
22 Counsel, I was able to go back and I was able
23 to do an amended summary. And based on the
24 amended summary, the amount of overpayment,

1 \$8706.97 is what I paid to Ms. Fauntleroy.

2 Disciplinary Counsel has given you two
3 documents that I stipulated to. One of those
4 documents outlines use that I made of Ms.
5 Fauntleroy's bank card while I was attending
6 casinos. The other stipulation is similar in
7 that it details, itemizes times that I used
8 Ms. Fauntleroy's bank card at the casinos to
9 make withdrawals from the ATM.

10 Those transactions are set forth in every
11 bank statement that was issued on this
12 particular account that went directly to Ms.
13 Fauntleroy. I spoke to Ms. Fauntleroy about
14 these transactions. These transactions took
15 place from August all the way -- August of
16 2016 all the way through April of 2017. Every
17 single solitary transaction is listed on those
18 bank accounts that didn't come to me but
19 actually went to Ms. Fauntleroy.

20 I reviewed those statements with her on
21 numerous occasions. We went over the
22 transactions that were taking place. And
23 there was never a complaint or nothing ever
24 said by Ms. Fauntleroy revoking what she had

1 told me that I was able to use the card for.

2 I think it's important for the Panel to
3 understand that that card wasn't just used
4 randomly by me. It was used for that specific
5 intent. We talked about it. She gave me the
6 authority to do that.

7 I think that one of the issues here is
8 that Disciplinary Counsel was saying that
9 there is close to \$100,000 worth of
10 transactions that took place in the account
11 and they are arguing that I didn't pay any of
12 that money back.

13 What they fail to take into
14 consideration, though, is that while those
15 transactions were taking place, use of the
16 card -- not that Ms. Fauntleroy gave me any
17 money. She allowed me to use the card with
18 the understanding that I would pay the money
19 back.

20 During the period of time from August
21 through April of 2017, I made 23 cash deposits
22 into that account for money that I had used on
23 the card and I constantly told Ms. Fauntleroy
24 about that.

1 So although Disciplinary Counsel wants
2 you to think that that was an accumulative use
3 and that those payments that had been taken
4 was growing, it actually was not. It was not
5 growing because I was putting money back into
6 the account. And I have documentation to
7 support all of that.

8 My evidence will show that the total
9 amount of money that Ms. Fauntleroy had access
10 to based on her pension and based on an
11 investment account that she had, between
12 August 1st, August 1st of 2016 and April 27th
13 of 2017, the total amount of money that she
14 got, a combination of her pension and a
15 combination from an investment that I cashed
16 out for her, amounted to \$137,385.55.

17 Total expenses that I paid on behalf of
18 Ms. Fauntleroy, most of which are clearly
19 documented in the bank receipts or the bank
20 statements came to \$78,384.37. Meaning that
21 at the time she revoked my Power of Attorney,
22 monies that I had control over that belonged
23 to Ms. Fauntleroy total \$59,001.18.

24 She revoked my Power of Attorney on April

1 27th of 2017. I didn't know about that until
2 I went to deposit money into her account on
3 April 28th of 2017.

4 Ms. Fauntleroy's caretakers or Ms.
5 Fauntleroy would not talk to me about this
6 situation at all. And as I stand here today,
7 I have never talked to Ms. Fauntleroy about
8 it, although I attempted to.

9 But knowing that I was no longer, I no
10 longer had control over her account, I
11 immediately called, left messages with her
12 caretakers that I would return to her any
13 monies that were owed to her. And at that
14 time, I sent her a letter. I sent her an
15 account summary and I sent her a check in the
16 amount of \$67,708.15.

17 And again, I didn't know at the time that
18 the only money that I owed her was the balance
19 of the monies that had come in that were still
20 left outside which I had spent on expenses.
21 And that amount was \$59,001.18. That's why I
22 say that I overpaid her \$8706.97.

23 I will also explain that I provided legal
24 services for Ms. Fauntleroy from March of 2016

1 up until the time she revoked my Power of
2 Attorney which would have been April 27th of
3 2017. And I think that's important for the
4 Panel to know right up front and I will
5 explain to you the legal services that I
6 provided. For over a year's worth of legal
7 services that I provided, and I have been
8 practicing law for over 20 years now, I only
9 took for a salary \$9500.

10 At the time that Ms. Fauntleroy initially
11 retained me to help her out with her finances
12 when she gave me access to her account, she
13 had a balance of negative \$771 in her account.
14 And I say that to the Panel because the
15 services that I provided for her which we'll
16 go into detail with for over a year, that
17 \$9500 was the only money that I received for
18 my legal services. So not only did I overpay
19 her over \$8000, I also worked for her during
20 that on a pro bono basis.

21 I adamantly deny that I lied about
22 anything. I stipulated to the use of that
23 card up at the casinos because it wasn't a lie
24 and I didn't lie about the permission to do

1 that. And again, we'll get into that when I
2 get an opportunity to talk to Ms. Fauntleroy.
3 I have never lied to Ms. Fauntleroy about
4 anything. I never lied to Disciplinary
5 Counsel about anything. And I never stole one
6 dime from anyone. Thank you.

7 MR. KRAWITZ: Thank you.

8 MR. WHITE: I move for the admission of
9 ODC Exhibits 1 and ODC Exhibit 2, the
10 stipulations that were previously provided to
11 the Panel.

12 MR. KRAWITZ: So admitted.

13 MR. WHITE: Would the Panel like
14 additional copies of ODC Exhibit 1?

15 MR. KRAWITZ: No.

16 MR. CONNER: Exhibit 1 and 2 are the
17 stipulations?

18 MR. KRAWITZ: Yes.

19 MR. WHITE: Here is a copy.

20 The Office of Disciplinary Counsel calls
21 Sarah Fauntleroy.

22 MR. KRAWITZ: Very well.

23 MR. WHITE: Ms. Fauntleroy's caretaker
24 will request continuing permission to approach

1 the witness throughout her testimony should
2 she require any physical assistance.

3 MR. KRAWITZ: Fine by me. Do you have
4 any --

5 MR. CONNER: No problem. No objection.

6 MR. KRAWITZ: Ms. Fauntleroy, good
7 morning.

8 THE WITNESS: Good morning.

9 MR. KRAWITZ: We are going to swear you
10 in and then there is going to be questions
11 asked of you. Do you understand?

12 THE WITNESS: Yes.

13 ---

14 SARAH FAUNTLEROY, after having been duly
15 sworn, was examined and testified as follows:

16 ---

17 EXAMINATION

18 ---

19 BY MR. WHITE:

20 Q Good morning, Ms. Fauntleroy. Good
21 morning.

22 A Good morning.

23 Q Ms. Fauntleroy, how do you know John
24 Conner?

1 A He was my Power of Attorney.

2 Q How long did he serve as your Power of
3 Attorney?

4 A I don't know. Maybe about a year plus.

5 Q Ms. Fauntleroy, do you have a checking
6 account at Wells Fargo?

7 A I did.

8 Q At any time was Mr. Conner's name on this
9 account?

10 A Yes.

11 Q Ms. Fauntleroy, has Mr. Conner ever asked
12 for your permission to use the money in your Wells
13 Fargo account at a casino?

14 A No.

15 Q Had he done so, would you have given him
16 such permission?

17 A No.

18 Q Did Mr. Conner ever tell you that he was
19 going to be using the money in your Wells Fargo
20 account at a casino?

21 A No, he did not.

22 Q Ms. Fauntleroy, have you ever told Mr.
23 Conner that he could use the money in your Wells
24 Fargo account at a casino?

1 A No, I did not.

2 Q Did Mr. Conner ever ask you to sign a
3 document that authorized him to use the money in
4 your Wells Fargo account at a casino?

5 A No.

6 Q Have you ever signed such a document?

7 A No.

8 Q Ms. Fauntleroy, are you aware of any
9 document that authorized Mr. Conner to use the
10 money in your Wells Fargo account at a casino?

11 A No, I did not.

12 Q Ms. Fauntleroy, have you ever been to
13 Parx Casino in Bensalem, Pennsylvania?

14 A No.

15 Q Have you ever been to the Borgata Hotel
16 Casino and Spa in Atlantic City, New Jersey?

17 A No.

18 Q Ms. Fauntleroy, did you file a complaint
19 with my office in October of 2017?

20 A Yes.

21 Q What was the nature of that complaint?

22 A To find out how much money I had.

23 Q Did you find out how much money you had?

24 A Not to the penny, no. But I knew I had

1 money.

2 Q Ms. Fauntleroy, would it surprise you
3 that Mr. Conner has admitted to spending almost
4 \$100,000 of the funds in your Wells Fargo account
5 at various casinos?

6 A Yes, it would.

7 Q Why is that?

8 A Because I don't know where it would have
9 come from. All I had is my pension.

10 Q Ms. Fauntleroy, did you authorize Mr.
11 Conner to pay himself a salary in the amount of
12 \$9500 in exchange for legal services he provided
13 to you?

14 A No, I did not.

15 MR. WHITE: I have nothing further.

16 MR. KRAWITZ: Cross-examination?

17 BY MR. CONNER:

18 Q Good morning, Ms. Sarah. How are you?

19 A Fine, thank you.

20 Q Good. Good.

21 Ms. Sarah, you met me in March of 2016 at
22 your home; isn't that correct? I came to your
23 home in March of 2016 was the first time you met
24 me?

1 A Um-hum.

2 Q And your bother, Lorenzo, he brought me
3 to your house; didn't he?

4 A Yes.

5 Q The reason Lorenzo brought me to your
6 house was because you were having some trouble
7 with your finances; isn't that correct?

8 A Well, not troubles as much as the fact I
9 wasn't aware that I needed a Power of Attorney
10 until after we talked.

11 Q Okay. Let me see if I can refresh your
12 recollection.

13 Back in March of 2016 when I came to your
14 house, do you know a gentleman named Homer Hills?

15 A Yes.

16 Q Wasn't Homer Hills your Power of Attorney
17 back in March?

18 A Yes.

19 Q Right. And Homer Hills was your Power of
20 Attorney and your head caretaker at that time was
21 Ms. Thomas, correct? Shelio Thomas, she was your
22 caretaker?

23 A Yes.

24 Q And the reason you had your brother,

1 Lorenzo, bring me to your house was because you
2 were having problems with your money, your
3 finances? You didn't know where your money was
4 going. Do you remember that?

5 A Yeah, right.

6 Q You hired me as an attorney to try to
7 take a look at your finances and figure out where
8 your money was going?

9 A Right.

10 Q It was at that time that you turned over
11 to me all of the documents that you had regarding
12 your finances, correct?

13 A Yes.

14 Q And I took all of those documents. And I
15 told you that I was going to try to reconstruct
16 them to try to give you some indication as to what
17 was going on with your finances at that time.
18 Isn't that correct?

19 A Um-hum.

20 Q At that time, I wasn't your Power of
21 Attorney. Homer Hills was.

22 A Yeah.

23 Q Now, between March when I first met you
24 in 2016 and July, the end of July of 2016, I spent

1 time, I made several trips to your house going
2 over with you what your finances were, correct?

3 A I don't remember you going over with me
4 because I never thought I had that much money.

5 Q Okay. I'm talking to you now about my
6 activities and my involvement with you between
7 March of 2016 up to the end of July of 2016.
8 Okay? That period of time.

9 MS. McBRIDE: Ma'am, you have to answer
10 "yes" so that the court reporter can take it
11 down. Okay?

12 BY MR. CONNER:

13 Q Isn't that right? That I did legal work
14 for you trying to help you figure out your
15 finances during that period of time, correct?

16 A Um-hum.

17 Q You gave me all of your financial
18 documents to review, correct?

19 A There wasn't anything to review, was it?
20 You told me you got, that everything was squared
21 away. All the papers were correct and all of the
22 papers that I needed to give to somebody was given
23 to you by my niece. She is the only relative that
24 I have. So everything went to her. She gave you

1 all of the papers there were.

2 Q Okay. All right. So between March and
3 July, the end of July of 2016, I was reviewing
4 those documents to determine what was going on
5 with your finances. Would you agree with that?

6 A Yes.

7 Q Is that a "yes"?

8 A Yes.

9 Q Now, during that period of time, Ms.
10 Fauntleroy, you were partially disabled; isn't
11 that correct? You had had a stroke? You were
12 partially disabled?

13 A Yes.

14 Q And you lived at 1634 North 30th Street
15 in Philadelphia?

16 A Yes.

17 Q And you lived there with your dog, Sasha
18 and your two cats?

19 A Right.

20 Q But you also needed 24-hour a day
21 caretakers?

22 A Yes.

23 Q You couldn't live by yourself?

24 A Right.

1 Q And you had to pay those caretakers?

2 A Right.

3 Q You had to pay caretakers for care 24
4 hours a day.

5 A Right.

6 Q So when you called me or asked your
7 brother to bring me to your house, your concern
8 was that you were not going to have enough money
9 to pay your caretakers, correct? You thought your
10 money was running out?

11 A Yes.

12 Q Right. That's why you wanted to me to
13 look into it, correct?

14 A Right.

15 Q And, in fact, Ms. Fauntleroy, your money
16 did run out. And it ran out the end of July of
17 2016; isn't that correct?

18 A If you say so. I don't know exactly when
19 it would, but I knew you said it was running out
20 for 24-hour care.

21 MR. CONNER: May I approach?

22 MR. KRAWITZ: You may.

23 MR. CONNER: This document has been
24 marked RS-6.

1 MR. WHITE: If I can be heard.

2 I don't have an objection. It's a bank
3 statement. I don't have an objection to the
4 admissibility. I believe it has Ms.
5 Fauntleroy's entire account number. I'd like
6 to include a confidential document form on top
7 of it. I actually did propose this as an
8 exhibit as well. It has a confidential form
9 on top of it if Mr. Conner prefers to use that
10 instead.

11 MR. KRAWITZ: Why don't we use that.

12 MR. CONNER: I can.

13 MR. WHITE: Do you have that, sir?

14 MR. CONNER: I do. If you have your
15 hands right on it, I'll use it.

16 MR. WHITE: Which?

17 MR. CONNER: It's the one from July 14th,
18 2016 to August 10th, 2016.

19 I don't know how -- do you want to mark
20 this still as RS-6, the same document?

21 MR. KRAWITZ: If it was previously marked
22 or marked in advance.

23 MR. WHITE: It's previously marked
24 ODC-3A.

1 MR. CONNER: I beg the Panel's
2 indulgence.

3 BY MR. CONNER:

4 Q Ms. Fauntleroy, if I show you this
5 document, can you take a look at it and see if
6 you -- first of all, do you recognize the name and
7 the address on there? Is that your name, Sarah
8 Fauntleroy?

9 A Yes, it is.

10 Q It says Homer Hills on there, Jr. as your
11 POA right underneath your name right here?

12 (Indicating)

13 A Yes.

14 Q This is for your Wells Fargo checking
15 account, correct?

16 A Right.

17 Q I'm going to flip over a page. And it
18 has all the transactions on that account. And I'm
19 going to ask you to go to a transaction here that
20 dates 7/15. If you go all the way over to the end
21 it says Ending Daily Balance. That says a
22 negative \$771.39; isn't that correct, right there?

23 (Indicating)

24 A \$171.39.

1 Q Does that say \$771?

2 A Yeah.

3 Q So based on your bank statement, as of
4 July 15th, you only had negative \$771.39 in your
5 account, correct?

6 A That's what it says.

7 Q Now, after your account went down to a
8 negative \$771.39, you didn't have any money to pay
9 your caretakers, did you? You didn't have any
10 money to pay your caretakers, did you?

11 A No, not out of \$771.

12 Q And at that time, you asked me to come
13 back to your house because you knew that if you
14 didn't do something about that, that you weren't
15 going to be able to live there by yourself,
16 correct?

17 A Um-hum.

18 MR. WHITE: Ms. Fauntleroy, they need you
19 to answer "yes" or "no". When you say
20 "um-hum", it doesn't come across on the
21 transcript. So if you could answer "yes" or
22 "no" to the questions.

23 THE WITNESS: Okay.

24 MR. KRAWITZ: We didn't get an answer to

1 the question. Why don't we have the question
2 read back.

3 (Whereupon, the court reporter read back
4 the requested testimony.)

5 THE WITNESS: Correct.

6 MR. CONNER: May I approach? I'd like to
7 mark the next exhibit RS-1. This is Property
8 Power of Attorney.

9 MR. KRAWITZ: Any objection?

10 MR. WHITE: No objection.

11 BY MR. CONNER:

12 Q Ms. Fauntleroy, I'm going to show you
13 what has been marked as Exhibit RS-1.

14 MR. KRAWITZ: Do you have a copy for us?

15 MR. CONNER: I believe I do. I do. I
16 beg your indulgence. I'm working off of a
17 copy. I'm going to present the Panel with the
18 original. It's going to be three documents
19 I'm going to be referring to, RS-1, RS-2 and
20 RS-3.

21 RS-1 is the Property Power of Attorney.

22 RS-2 is a Durable Power of Attorney for
23 healthcare and RS-3 is the Last Will and
24 Testament.

1 MR. WHITE: I would object to RS-2 and
2 RS-3. They are simply not relevant. The
3 Petition for Discipline alleges that he stole
4 money from Ms. Fauntleroy. The Healthcare
5 Power of Attorney and the will aren't
6 relevant.

7 MR. KRAWITZ: The objection is sustained
8 as to RS-2 and RS-3.

9 MR. CONNER: Okay. Assuming that if in
10 response to my answer to this question
11 necessitate this, then the Panel will
12 reconsider?

13 MR. KRAWITZ: We won't make any
14 assumption. We'll see how the questioning
15 goes. If there is some foundation for you to,
16 or attempt to reoffer those exhibits, RS-2 and
17 RS-3, we'll deal with it at that time.

18 MR. CONNER: Okay. So at this time -- as
19 a matter of fact, I'll give you the copy.

20 MR. KRAWITZ: Thank you.

21 MR. CONNER: You are welcome. This is
22 RS-1, the General Durable Power of Attorney to
23 which there is no objection.

24 MR. WHITE: Correct.

1 MR. KRAWITZ: Okay.

2 MR. CONNER: May I proceed?

3 MR. KRAWITZ: Sure.

4 BY MR. CONNER:

5 Q Ms. Fauntleroy, I'm going to show you
6 what's been marked as RS-1. This is a Property
7 Power of Attorney for you.

8 Do you remember me coming to your house
9 in July after you found out that there was no
10 money in your account and sitting down with me and
11 you and I preparing this document, this Power of
12 Attorney for me?

13 A I don't remember sitting down, but I know
14 there was a Power of Attorney because I asked my
15 brother about Power of Attorney.

16 Q Okay. And Homer Hills had been your
17 Power of Attorney before, correct?

18 A Yes.

19 Q And I'm going to refer you to Page, I
20 guess it's the first actual page of this document.
21 Is that your signature on the bottom? (Indicating)

22 A Yes.

23 Q And you signed that on July 29th of 2016,
24 correct?

1 A Yes.

2 Q Before you signed this document, Ms.
3 Fauntleroy, you and I went over the terms in this
4 document because I wanted you to understand what
5 you were signing. Do you remember that?

6 A Yes.

7 Q Now, Ms. Fauntleroy, on July 29th of 2016
8 at the time you and I went over this document and
9 you signed it, you had problems walking around
10 because of your stroke? You had physical
11 problems, correct?

12 A No, not walking then.

13 Q Right. You weren't walking. So you had
14 some problems, some physical problems because of
15 your stroke, correct?

16 A Really I have always been able to walk
17 with assistance. There was never a time when I
18 couldn't just walk, period.

19 Q Okay.

20 MR. WHITE: I'll object to these
21 questions. They are not relevant.

22 BY MR. CONNER:

23 Q Ms. Fauntleroy --

24 MR. KRAWITZ: One second. Let me deal

1 with his objection.

2 If you want to somehow lay a foundation
3 for these, this line of questioning, we'll
4 consider it.

5 MR. CONNER: I'll withdraw that. I'll
6 withdraw that question.

7 MR. KRAWITZ: Very well.

8 BY MR. CONNER:

9 Q Ms. Fauntleroy, at the time we reviewed
10 this document and you signed it, you didn't have
11 any problem? You understood what we were doing,
12 correct?

13 A Yes.

14 Q Right? And at that time, at that time,
15 you were making all of the decisions regarding
16 your finances, your checking account? Isn't that
17 correct?

18 A Yes.

19 Q And after you signed this document, you
20 still continued to make all of the decisions
21 regarding your checking account, didn't you?

22 A Yes.

23 Q As matter of fact, after you signed this
24 document, you, in fact, wrote checks off of that

1 account; isn't that correct?

2 A Not -- well, Mr. Hills had the Power of
3 Attorney. He wrote it. I didn't sign any checks,
4 any personal checks or anything. Maybe a bill or
5 two, but that was all.

6 Q Okay. Let me just try to make sure we
7 are talking about the same thing.

8 On July 29th, 2016, you signed this
9 document that we marked as RS-1, this Power of
10 Attorney, correct?

11 A Yes.

12 Q At that time, you understood what was in
13 this document, correct?

14 A I thought so.

15 Q And there was nothing wrong with your
16 mind at that time?

17 A No.

18 Q You were able to understand everything,
19 correct?

20 A Yes.

21 Q Correct?

22 A Yes.

23 Q And at that time, you were still making
24 decisions regarding your checking account? July,

1 29th, 2016, correct?

2 A Yes.

3 Q And after you signed this Power of
4 Attorney, you continued to make decisions on your
5 checking account, correct?

6 A On some things, yes.

7 Q Okay. And you, in fact, wrote checks?
8 You actually wrote checks off of this account
9 after you signed this Power of Attorney, correct?

10 A Not that I'm aware of.

11 MR. CONNER: Can I see the exhibit you
12 gave me, the checking statement?

13 MR. WHITE: 3A?

14 MR. CONNER: 3A. I'm sorry.

15 I have copies of checks from that
16 account. It wasn't included in Disciplinary
17 Counsel's exhibit. But it is, I have marked
18 it as Exhibit 6A. If you want me to, I can
19 cross out the account number which seemed to
20 have been the issue with my document.

21 MR. WHITE: I would have the same problem
22 as with RS-6. I would suggest just filling
23 out a confidential document form and putting
24 it on top. I think that would be the

1 appropriate course of action.

2 MR. KRAWITZ: I think that's the way we
3 should do it.

4 MR. CONNER: Okay. I beg the Panel's
5 indulgence.

6 MR. KRAWITZ: Sure.

7 Let's take a two-minute recess.

8 MR. WHITE: Very well.

9 MR. CONNER: Can I have instructions that
10 no one speak to the witness during this break
11 time?

12 MR. KRAWITZ: Sure.

13 MR. CONNER: Or speak to her regarding
14 the case.

15 MR. KRAWITZ: Nobody is going to speak to
16 her.

17 MR. CONNER: Thank you.

18 (Whereupon, a break was taken off the
19 record.)

20 MR. KRAWITZ: Mr. Conner.

21 BY MR. CONNER:

22 Q Ms. Fauntleroy, I had asked you if you
23 had written any checks off of your account after
24 you signed the Power of Attorney on July 29th of

1 2016. Do you remember that question?

2 A Did I? Not unless it was for household
3 utilities or something like that, but I never
4 wrote any personal checks.

5 MR. WHITE: I'd ask for an offer of
6 proof. Again, the allegation in the Petition
7 for Discipline is that Mr. Conner stole
8 Mr. Fauntleroy's funds. He stipulated to
9 executing the transactions. I don't
10 understand how Ms. Fauntleroy writing checks
11 against her own account is relevant to these
12 proceedings.

13 MR. KRAWITZ: You have an offer of proof?

14 MR. CONNER: The relevancy is there was a
15 Power of Attorney that was written and that
16 Power of Attorney was limited. My testimony
17 is how it was limited. It was limited for me
18 to write checks for specific reasons. And
19 every other decision made on that account for
20 everything that took place on that account was
21 made by Ms. Fauntleroy.

22 And I want the record to show that she
23 continued to make decisions on that account
24 after the Power of Attorney was signed.

1 MR. WHITE: There is no allegation in the
2 Petition for Discipline that Ms. Fauntleroy
3 did not write checks against the account.

4 The only issue is whether Mr. Conner was
5 authorized to withdraw \$100,000 from her
6 account through point of sale transactions and
7 ATM withdrawals from the casinos.

8 MR. CONNER: Again, part of that is that
9 there was information and evidence that was
10 sought by Disciplinary Counsel about my
11 authority over that account. And my authority
12 over that account was limited. And this line
13 of questioning right now substantiates that.
14 I didn't have exclusive authority over the
15 account. It was limited.

16 MR. KRAWITZ: Is the objection as to
17 relevancy, I assume?

18 MR. WHITE: Correct.

19 MR. KRAWITZ: That objection is
20 sustained.

21 BY MR. CONNER:

22 Q Ms. Fauntleroy, when I came to see you
23 back in March of 2016 and you asked me to provide
24 the legal services that we talked about, do you

1 remember that conversation that we had here? You
2 hiring me back in March to provide legal services
3 for you? Do you remember that?

4 A Well, I imagine that was when I
5 discovered I was running short of money for my
6 caretakers.

7 Q Correct.

8 Do you remember what you agreed to pay me
9 for those legal services?

10 A No. No.

11 Q You don't remember?

12 A No.

13 Q But you know I wasn't working for free,
14 though, correct?

15 A No. I know there is no such thing as a
16 freebie, but I did not get a definite amount.
17 Just that you would take care of my bills for me.

18 Q I just want to make sure I understand
19 what you are saying.

20 You knew that I was charging you for my
21 legal services, correct? Nothing is free,
22 correct?

23 A No. I knew -- well, yeah, because you
24 were Power of Attorney. But I didn't know how

1 much.

2 Q I'm talking about before I became your
3 Power of Attorney. From March all the way up
4 until the time I became your Power of Attorney, I
5 was providing legal services for you, correct?

6 A No. I wasn't aware. I just thought that
7 you were going to be Power of Attorney. And if
8 any problems came up, you would let me know.

9 Q I'm going to try one more time.
10 When I was working providing legal
11 services for you trying to help you with your
12 finances between March and the time I became your
13 Power of Attorney, those were legal services that
14 I was providing for you, correct, trying to help
15 you find out what was going on with your finances,
16 right?

17 A Yeah.

18 Q That's when you turned over all of your
19 documents to me, correct?

20 A Yeah.

21 Q You knew that I wasn't working for free,
22 correct?

23 A Right.

24 Q But you are saying you don't know how

1 much I was charging you?

2 A Right.

3 Q But I was charging you something, right?

4 A Yeah.

5 Q You didn't pay me one dime, did you,

6 between March --

7 A I --

8 Q Wait a minute.

9 Between March and up until the time you
10 signed the Power of Attorney which would have been
11 July 29th of 2016, you didn't pay me one dime, did
12 you?

13 A Not that I know of.

14 Q So at the time you signed the Power of
15 Attorney, you had a negative \$771.36 in your
16 account, correct?

17 A Right.

18 Q And you didn't have any money to pay your
19 caretakers, did you?

20 A Right.

21 Q And you didn't have any money to pay me
22 either, did you?

23 A Right.

24 Q Do you remember your brother, Lorenzo

1 Fauntleroy, giving me a check for \$10,000?

2 A Was it \$10,000? Yeah, I remember.

3 That's my brother and I borrowed money.

4 Q Ms. Fauntleroy, that \$10,000 check that
5 your brother gave me, that was for my legal
6 services that I have provided for you between
7 March, up until the time you signed and after you
8 signed your Power of Attorney; isn't that correct?

9 A If you say so.

10 Q And I didn't take one dime of that money.
11 I put that money into your account so that you
12 could pay your caretakers who you needed to take
13 care of you because without them, you wouldn't
14 have been able to live in that house. Isn't that
15 correct?

16 A True.

17 Q Now, you have testified that you didn't
18 know that I was taking any money off of your card
19 and using it at the casino; isn't that correct?

20 A Right.

21 Q But every bank account from August, after
22 I became your Power of Attorney all the way
23 through the time you revoked the Power of Attorney
24 which would have been in April, April 27th of

1 2017, you received every bank account from that
2 checking, during that period of time? It came to
3 your house, correct?

4 MR. KRAWITZ: Bank statement?

5 BY MR. CONNER:

6 Q Bank statement. I'm sorry. Bank
7 statement. It came to your house, correct?

8 A It came -- I don't remember seeing it,
9 but you say it came? I don't doubt you.

10 Q And you never looked at one of those
11 accounts, one of those bank statements?

12 A No.

13 Q You never looked at --

14 A I looked at one that said about the money
15 I had borrowed from my bother. That was all.

16 Q When did you look at that one?

17 A I don't have the date. I guess when I
18 tried to figure out, did I have enough to pay the
19 caretakers?

20 Q When you looked at that account, you
21 didn't see on there that transactions were being
22 made at the casino?

23 A No.

24 Q You didn't see any of that?

1 A No.

2 Q When is the first time you saw that there
3 were transactions being made at the casino? When
4 is the first time?

5 A I never saw. But when the attorney told
6 me that they had checks showing that I signed to
7 the casino, I knew that I did not remember signing
8 checks for the casino and I hadn't went there to
9 do it myself.

10 Q Okay. And when was that? When did the
11 attorney tell you that?

12 A It must have been around -- before
13 Thanksgiving.

14 Q Before Thanksgiving of 2017?

15 A Yeah.

16 Q After he told you that, you didn't come
17 to me, did you, and ask me about it?

18 A Well, I had to say something to somebody
19 because I know I hadn't signed. And I didn't have
20 that much money, I didn't think. But I asked my
21 caretaker to inquire about it for me.

22 Q Okay. After you asked them to do that,
23 you never came to me and asked me about it, did
24 you?